

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 1/21/2016 12:16:59 AM
To: 'Deveny, Adrian (Merkley)' [Adrian_Deveny@merkley.senate.gov]
Subject: RE: Administration Views Letter on TSCA Reform

Adrian,
Boxer got a letter as SEPW Ranking member. I sent you and others involved in TSCA reform a courtesy copy. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Deveny, Adrian (Merkley) [mailto:Adrian_Deveny@merkley.senate.gov]
Sent: Wednesday, January 20, 2016 7:16 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Administration Views Letter on TSCA Reform

For Boxer?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, January 20, 2016 7:15 PM
To: Deveny, Adrian (Merkley)
Subject: Administration Views Letter on TSCA Reform

Adrian,
Please see attached and let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/10/2016 3:12:13 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA TA - Senate section 4

Michal,

In response to your request, please see EPA's TA below. The add on request from last night will follow separately. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
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202-566-2753

a) Could EPA test under these 5 scenarios under the Senate bill absent a high priority designation? Would Senate (4)(a)(2) be enough to do all these things?

Your question assumes that the chemical substance has not been designated as a high priority.

We note, however, that Scenarios 3 and 4 seem to relate to the selection of risk management options. Such scenarios would follow from a prior safety determination, which would follow from a prior high priority designation. In that case, EPA would have broad authority to require testing to support the safety assessment and determination.

In all Scenarios, Section 4(a)(1)(D) provides clear authority for EPA to require testing if the EPA testing action is in response to a request from a government authority operating under a non-TSCA federal law. This would include requests from other operating units of EPA that are not charged with implementing TSCA, but have separate legal authorities to address the scenario at issue.

In Scenarios 1, 2 and 5, Section 4(a)(2) provides a viable authority to require testing. EPA would probably need to list the chemical substance in question as 'under consideration' for prioritization in order to justify the testing requirement. It also appears that upon receipt of the requested test data, EPA would be obliged, within 90 days, to either designate the chemical substance as a high priority for a safety assessment or a low priority.

b) Has EPA required testing in the past for the 5 scenarios?

1) If a chemical about which little was known spilled into drinking water, could EPA require testing?

At the request of the Office of Water, on November 10, 1993, OPPT published a final TSCA Section 4 Test Rule (58 FR 59667) covering four chemicals of interest to the Office of Drinking Water (ODW). The chemicals subject to this rule (chloroethane, 1,3,5-trimethylbenzene, 1,1-dichloroethane, and 1,1,2,2-tetrachloroethane) were unregulated drinking water contaminants for which ODW needed data in order to develop 1-day, 10-day, and long term/lifetime health advisories. The required testing included 14- and 90-day oral toxicity studies in rats on each of the subject chemicals. The final rule discusses the

value of establishing health advisories to provide guidance to officials responsible for protecting health after chemical spills.

2) If there was a cancer cluster in a particular community and a suspected chemical connection, could EPA test that chemical?

No test rule addressing this scenario has been issued.

3) If there was a group of chemicals used in widely distributed consumer products but insufficient toxicology data, could EPA do testing to figure out what needed to go on the warning label etc?

No test rule addressing this scenario has been issued.

4) If there was a suspected workplace exposure, could EPA test to see what sort of occupational control measures were needed?

This was done in the “OSHA Dermal Test Rule”; In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration. 69 FR 22402; April 26, 2004. OSHA needed quantitative measures of dermal absorption to evaluate the potential hazard of these chemicals to workers and to justify the “Skin” notation in OSHA’s 29 CFR 1910.1000 standard which required the use of gloves or other equipment to protect the skin, and the test rule was issued to require the development of such data.

5) What about a class of chemicals like flame retardants, where EPA wants to do testing on different compounds in the class?

OPPT entered into an Enforceable Consent Agreement (ECA) for incineration testing of four formulated composites of fluoropolymer chemicals. The four formulations were “representative of all known commercial FP chemicals.” OPPT wanted to find out if the FP chemicals degraded into PFOA, because of developmental toxicity, carcinogenicity, and blood monitoring data concerns associated with PFOA (70 FR 39630; 07/08/05).

Additionally, the neurotoxicity endpoint rule required the neurotoxicity testing of 7 organic solvents for neurotoxicity due to the neurological effects seen in painters due to “solvent syndrome.” (NPRM: 56 FR 9105, March 4, 1991; NFRM: 58 FR 59667, Nov 10, 1993; Revocation: 60 FR 4514, Jan 23, 1995; Testing Consent Orders for Acetone, N-Amyl Acetate, N-Butyl Acetate, Ethyl acetate, Isobutyl Alcohol, Methyl Isobutyl Ketone, and Tetrahydrofuran: 60 FR 4516, Jan 23, 1995).

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]

Sent: Thursday, February 04, 2016 6:21 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: TA request - Senate section 4

Sven

In reviewing Senate section 4, some have raised concerns with Senate 4(a) and indeed, have said that Senate 4(a) is more restrictive than the retention of the TSCA 4(a) ‘unreasonable risk’ finding that needs to be made before testing can occur on some chemicals.

I’m pasting the language below, and then following that with some questions based on the concerns I’ve recently heard:

(a) Development of New Information on Chemical Substances and Mixtures. —

(1) IN GENERAL. — The Administrator may require the development of new information relating to a chemical substance or mixture in accordance with this section if the Administrator determines that the information is necessary—

(A) to review a notice under section 5(d) or to perform a safety assessment or safety determination under section 6;
(B) to implement a requirement imposed in a consent agreement or order issued under section 5(d)(4) or under a rule promulgated under section 6(d)(3);
(C) pursuant to section 12(a)(4); or
(D) at the request of the implementing authority under another Federal law, to meet the regulatory testing needs of that authority.

(2) LIMITED TESTING FOR PRIORITIZATION PURPOSES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may require the development of new information for the purposes of section 4A.

(B) PROHIBITION.—Testing required under subparagraph (A) shall not be required for the purpose of establishing or implementing a minimum information requirement.

(C) LIMITATION.—The Administrator may require the development of new information pursuant to subparagraph (A) only if the Administrator determines that additional information is necessary to establish the priority of a chemical substance.

QUESTIONS:

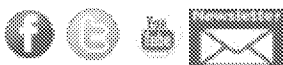
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- 5) What about a class of chemicals like flame retardants, where EPA wants to do testing on different compounds in the class?

Basically all these examples relate to existing chemicals, not new chemicals, and the view is that unless EPA puts them all into a high priority listing, it could not really get this data under Senate 4(a)(1). So my questions are generally, a) could EPA test under these sorts of scenarios under the Senate bill absent a high priority designation? Would Senate (4)(a)(2) be enough to do all these things? and b) has EPA required testing in the past for these sorts of scenarios?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/10/2016 2:52:59 PM
To: 'Couri, Jerry' [JerryCouri@mail.house.gov]
Subject: HEC TSCA TA Request on Mixtures

Jerry – got your message requesting TA on the statutory definition of mixtures EPA uses in a TSCA regulatory context. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
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Sent: 2/8/2016 10:18:27 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey TSCA TA Request on replacement parts

Michal – I'll run the additional info by folks and see how that changes things. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Monday, February 08, 2016 5:15 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Markey TSCA TA Request on replacement parts

Thanks Sven

In response to the comments – there is no broader document that exists, let alone that can be sent, but assume that we are talking about a section 6 provision.

The House language exempts ALL replacement parts designed prior to the effective date – and thus captures all replacement parts MANUFACTURED before the effective date as well.

I am trying to find a way to soften the House language, so that it captures the car brake pad or airplane engine part, but NOT the replacement couch seat cushion cover or replacement pacifier nipple. You guys sent me an earlier draft that would allow EPA to exempt replacement parts designed before the effective date following an affirmative finding that is similar to the language I sent. HOWEVER:

- 1) The House did not like that one bit. ☺
- 2) Even if the House did like that or my version, one would STILL presumably want to ensure that replacement parts that were manufactured prior to the effective date are exempted, even if such a finding (affirmative or not) were made.
- 3) That is why any final provision that doesn't exempt ALL replacement parts designed prior to the effective date would need the Senate text as well.

So what I am trying to propose is

- Manufactured by stays exempted
- Can we find a "designed by" provision that includes a presumption that the part would be exempted, UNLESS EPA makes a finding? If what I sent you doesn't do it, please suggest an alternative, and if you don't think your comment A3 works for that purpose, pls let me know.

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Monday, February 08, 2016 5:07 PM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey TSCA TA Request on replacement parts

Michal,
Attached please find technical assistance that responds to your request on replacement parts. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
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Washington, DC 20460
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From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, February 02, 2016 10:29 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: TA request - replacement parts

Hi Sven

Your past TA provided an option to allow EPA to exempt replacement parts designed prior to the effective date of a TSCA regulation from that regulation if EPA found that the replacement parts would not be impracticable to replace/redesign. After receiving feedback from colleagues, I have re-drafted it to make the presumption be exemption, rather than the presumption being non-exemption. Can you take a look, suggest any changes and describe any concerns you might have with implementation?

Thanks
Michal

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/8/2016 10:06:32 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA TA Request on replacement parts
Attachments: Markey. TSCA TA.replacement parts.docx

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(iii) shall exempt replacement parts that are manufactured prior to the effective date of the rule for articles that are first manufactured prior to the effective date of the rule unless the Administrator finds the replacement parts contribute significantly to the identified risk, including identified risk to identified potentially exposed subpopulations;

Commented [A1]: This is the Senate replacement part language, with additional text added re potentially exposed subpopulations, but your text below appears to be a revision to the House replacement parts language. Not sure what we are comparing the new suggested language to. And is there a reason the new suggested language is numbered (iv)? Which bill would it go into?

(iv) shall exempt replacement parts designed prior to the effective date of the rule, unless the Administrator finds

Commented [A2]: It would likely be difficult for EPA to determine when a replacement part was designed, and the design could pre-date the rule by years, making it challenging for EPA to implement the exemption.

(1) that the replacement parts are not impracticable to redesign or replace without redesigning the articles of which they are components, or

Commented [A3]: For readability, it might be better if this said "can practicably be redesigned or replaced".

(2) such replacement parts contribute significantly to the identified risk, including identified risk to identified potentially exposed subpopulations;

Message

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Sent: 2/4/2016 11:24:53 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: TA request - Senate section 4

Michal – got it. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, February 04, 2016 6:21 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: TA request - Senate section 4

Sven

In reviewing Senate section 4, some have raised concerns with Senate 4(a) and indeed, have said that Senate 4(a) is more restrictive than the retention of the TSCA 4(a) 'unreasonable risk' finding that needs to be made before testing can occur on some chemicals.

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QUESTIONS:

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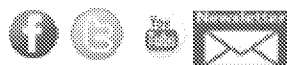
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Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
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Connect with Senator Markey



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Sent: 6/8/2015 7:22:42 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]; Joseph, Avenel (Markey) [Avenel_Joseph@markey.senate.gov]
Subject: RE: Sen. Markey TSCA TA Request on bans and phaseouts

Michal,
We're on it and should be able to provide a response tomorrow. Thanks,
Sven

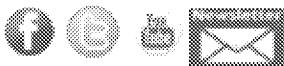
Sven-Erik Kaiser
U.S. EPA
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Monday, June 08, 2015 3:21 PM
To: Kaiser, Sven-Erik; Joseph, Avenel (Markey)
Subject: RE: Sen. Markey TSCA TA Request on bans and phaseouts

Thanks. wouldn't compliance timelines have been directed in the rules?

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
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Washington, DC 20510
202-224-2742

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From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, June 08, 2015 3:19 PM
To: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: RE: Sen. Markey TSCA TA Request on bans and phaseouts

Michal,
That will be harder – I'll check with folks and get you a time estimate. Thanks,
Sven

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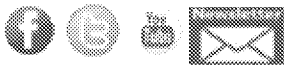
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Subject: RE: Sen. Markey TSCA TA Request on bans and phaseouts

Thanks Sven -- but we are interested in the compliance timeframes. Could you get that for us?

Michal

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255 Dirksen Senate Office Building
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From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Monday, June 08, 2015 3:07 PM
To: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: Sen. Markey TSCA TA Request on bans and phaseouts

Michal,
Thank you for the request on bans and phaseouts. Please see the attached chart that shows how long it took for actions to be executed. It doesn't show timeframes for compliance, that would be a bigger exercise. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Saturday, June 06, 2015 8:32 AM
To: Kaiser, Sven-Erik
Cc: Joseph, Avenel (Markey); Freedhoff, Michal (Markey)
Subject: TSCA TA - bans and phaseouts

Hi Sven

Does EPA have any data on past bans and phaseouts, when they occurred and how long they took from start to finish? It is fine to include chemicals that were banned/phased out under other statutes or treaties as well.

Thanks
Michal

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
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Subject: RE: Sen. Markey TSCA TA Request on bans and phaseouts

Michal,
That will be harder – I'll check with folks and get you a time estimate. Thanks,
Sven

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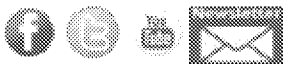
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Sent: Saturday, June 06, 2015 8:32 AM

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Cc: Joseph, Avenel (Markey); Freedhoff, Michal (Markey)

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Sent: 6/8/2015 2:45:33 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
CC: Joseph, Avenel (Markey) [Avenel_Joseph@markey.senate.gov]
Subject: Sen. Markey TSCA TA request on "sound" science

Michal,
Thanks for the TA request. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Monday, June 08, 2015 10:38 AM
To: Kaiser, Sven-Erik
Cc: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: TSCA - TA request on "sound" science

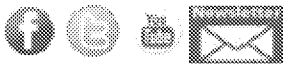
Sven

Is "sound" science used in any other EPA statutes? Does the term have an understood meaning either through regulation or case law?

Thanks
michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/4/2015 9:17:54 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]
Subject: RE: SEPW TSCA TA Requests

Oops – thanks for catching that.

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Thursday, June 04, 2015 5:17 PM
To: Kaiser, Sven-Erik
Subject: RE: SEPW TSCA TA Requests

You probably auto-outlooked for Adrian Deveny. I'll send to him.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, June 04, 2015 5:10 PM
To: Enderle, Emily (Whitehouse); Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Zipkin, Adam (Booker); Devine, Jenny - OSEC
Subject: SEPW TSCA TA Requests

TSCA Reform Team,
In response to your TSCA Reform technical assistance requests, please see the attached documents.
Technical assistance responses on the following issues are included:

- Exports
- Co-enforcement
- Test Order Exemption
- Section 9
- Lingering TA

This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions, Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/4/2015 8:50:04 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA Inquiry on State/EPA Overfiling

Michal,

Following up on your question, there are provisions in several EPA statutes that limit a state's ability to use federal citizen suit provisions when federal enforcement is already pending, but it seems that this is a different issue from what you are asking about.

After some inquiry, we were unable to locate any provisions in EPA administered statutes that would limit a state's ability enforce its own laws, depending on EPA's enforcement of corresponding federal laws.

Conversely, however, the CWA includes a provision (309(g)) that limits EPA's enforcement authority in certain circumstances that depend on prior state enforcement of state law.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Wednesday, May 20, 2015 4:38 PM
To: Kaiser, Sven-Erik
Subject: more TA - TSCA

Sven

Hope all is well – I think we still have a couple of outstanding items, but I wanted to flag another question, which is are there other EPA statutes in which there is a State/EPA overfilling prohibition? If so, what are they, and could you send me the relevant language?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/2/2015 9:45:48 PM
To: 'Schmit, Ryan' [Ryan.Schmit@mail.house.gov]
CC: Cohen, Jacqueline [jackie.cohen@mail.house.gov]
Subject: RE: House TSCA managers amendment

Ryan,
I'll get this in circulation. Timing -- do you need it by tomorrow morning? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

-----Original Message-----

From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]
Sent: Tuesday, June 02, 2015 5:41 PM
To: Kaiser, Sven-Erik
Cc: Cohen, Jacqueline
Subject: House TSCA managers amendment

Sven, can we get TA on this, and specifically how this accomplishes some of the issues raised in your TA yesterday?
Thanks,
Ryan

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/2/2015 3:54:12 PM
To: 'Enderle, Emily (Whitehouse)' [Emily_Enderle@whitehouse.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: RE: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA

Emily – please call my conference number Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy at noon. I'll patch in EPA staff on that line. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Enderle, Emily (Whitehouse) [mailto:Emily_Enderle@whitehouse.senate.gov]
Sent: Tuesday, June 02, 2015 11:44 AM
To: Kaiser, Sven-Erik
Cc: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Zipkin, Adam (Booker); Deveny, Adrian (Merkley)
Subject: Re: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA
Importance: High

Hi Sven,

Could you please update us on the status of this request and the other requests made in person when we met on Thurs? Also, would it be possible for someone from EPA to dial into a meeting we're having right now discussing the EPA TA? We're taking a short break but plan to reconvene around noon and continue our discussion until 3pm. We can patch the EPA TA specialist in.

Thank you,
Emily

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, May 29, 2015 06:04 PM
To: Enderle, Emily (Whitehouse)
Cc: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Zipkin, Adam (Booker); Deveny, Adrian (Merkley)
Subject: RE: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA

Emily – thank you for the new technical assistance request. I'll circulate this and let you know our response. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Enderle, Emily (Whitehouse) [mailto:Emily_Enderle@whitehouse.senate.gov]
Sent: Friday, May 29, 2015 6:03 PM
To: Kaiser, Sven-Erik
Cc: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Zipkin, Adam (Booker); Deveny, Adrian (Merkley)
Subject: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA

Hi Sven,

Thanks to your group for coming in yesterday. Attached, please find an electronic version of the latest responses to lingering EPA TA.

Based on our conversation about Section 9 of TSCA, we made some changes to Section 11 of S. 697. The current draft of that section is attached, with changes tracked and explanatory comments. We'd appreciate EPA's assessment of this new language.

Specific questions/issues:

1. Lines 9 and 14-15: The term "reasonable basis" appears twice in subsection (a)(1). The instance you flagged as problematic appears not to be the one that needs to be changed to mirror the revised section 6(c) structure.
2. There was tentative agreement to strike paragraph (3), but another proposal is attached that would retain it but more closely mirror paragraph (2) of current TSCA section 9(a). The concern in deleting this paragraph rather than modifying it is that the consequences of various actions or inactions by the "other agency" are not explicitly addressed and hence uncertain.
 - a. Does the restructuring of (3)(A) and (B) address the concern raised in the original TA on this paragraph?
 - b. What does EPA believe would happen under this section, both under current TSCA and as revised here, if the other agency fails to respond at all to EPA's report within the timeframe specified? Could EPA act? Would EPA be required to act?
 - c. Does the potential case described in b. above (no response from the other agency) need to be addressed in this language, e.g., by adding a subparagraph (C) such as this:
"(C) respond within the time within the time period specified by the Administrator in the report,"
 - d. Would not the deletion of paragraph (3) altogether leave uncertain the disposition of a referral under section 9 and hence have implications for the process of EPA review and regulation of existing chemicals under S. 697?

Emily

--
Emily Enderle
Chief Environmental Policy Advisor
Office of Senator Sheldon Whitehouse
Direct: (202) 228-6294
emily.enderle@whitehouse.senate.gov

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/1/2015 2:11:36 PM
To: 'Schmit, Ryan' [Ryan.Schmit@mail.house.gov]; Cohen, Jacqueline [jackie.cohen@mail.house.gov]
Subject: RE: HEC TSCA Reform TA on House bill

Ryan,
That's fine – I'll book it for 1:30 – please call Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]
Sent: Monday, June 01, 2015 10:09 AM
To: Kaiser, Sven-Erik; Cohen, Jacqueline
Subject: RE: HEC TSCA Reform TA on House bill

Hi Sven,
Any chance we could push the call back to 1:30 today? We have a staff briefing which may run past 1pm.
Thanks,
Ryan

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, June 01, 2015 10:08 AM
To: Schmit, Ryan; Cohen, Jacqueline
Subject: RE: HEC TSCA Reform TA on House bill

Jacqueline and Ryan – any time today for a call? I understand if things are tight – just read that markup might even be Tues night. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Friday, May 29, 2015 11:12 AM
To: 'Schmit, Ryan'; 'Cohen, Jacqueline'
Subject: HEC TSCA Reform TA on House bill

Jacqueline and Ryan,
If helpful, are you available for a TA call on Mon, June 1? What about 1pm – we can get folks together any time before 4. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/1/2015 2:07:32 PM
To: 'Schmit, Ryan' [Ryan.Schmit@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]
Subject: RE: HEC TSCA Reform TA on House bill

Jacqueline and Ryan – any time today for a call? I understand if things are tight – just read that markup might even be Tues night. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Friday, May 29, 2015 11:12 AM
To: 'Schmit, Ryan'; 'Cohen, Jacqueline'
Subject: HEC TSCA Reform TA on House bill

Jacqueline and Ryan,
If helpful, are you available for a TA call on Mon, June 1? What about 1pm – we can get folks together any time before 4. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/1/2015 1:28:31 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Sen. Markey TSCA TA request on PBTs

Michal,

This responds to your followup questions on PBTs. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

1) Could the senate language be interpreted to mean that a substance would have to be ranked high for EACH/BOTH of persistence and bioaccumulation?

EPA TA: When identifying high priority chemical substances under 4A, EPA would be required to give preference to chemical substances that are high for persistence and also high for bioaccumulation. The bill does not bar EPA from prioritizing a chemical substance that is high for persistence, simply because it is not high for bioaccumulation. Nor does the bill bar EPA from prioritizing a chemical substance that is high for bioaccumulation but not high for persistence.

Respecting chemical substances that are both high for persistence and high for bioaccumulation, the risk management rule would need to ensure the chemical substance meets the safety standard and reduces exposure to the maximum extent practicable. Respecting other chemical substances, the risk management rule would still need to ensure the chemical substance meets the safety standard.

2) is the House language - that said that something ranks high for PBT if it is high in one of persistence or bioaccumulation and moderate in the other - is that also consistent with EPA practice?

EPA TA: This approach is consistent with current practice.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Friday, May 15, 2015 9:56 AM
To: Kaiser, Sven-Erik
Cc: Freedhoff, Michal (Markey)
Subject: Re: Sen. Markey TSCA TA request on PBTs

Thanks - two follow-ups

1) could the senate language be interpreted to mean that a substance would have to be ranked high for EACH/BOTH of persistence and bioaccumulation? That was my read.

2) is the House language - that said that something ranks high for PBT if it is high in one of persistence or bioaccumulation and moderate in the other - is that also consistent with EPA practice?

Thanks
Michal

From: Kaiser, Sven-Erik
Sent: Friday, May 15, 2015 9:52 AM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey TSCA TA request on PBTs

Michal,

This responds to your TA request on PBTs. The provisions in the bill relating to persistent and bioaccumulative substances would characterize a chemical substance as a PBT if it ranks high for persistence and bioaccumulation. This is consistent with current EPA practice and would be implementable as written.

The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/29/2015 10:04:07 PM
To: 'Enderle, Emily (Whitehouse)' [Emily_Enderle@whitehouse.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: RE: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA

Emily – thank you for the new technical assistance request. I'll circulate this and let you know our response. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Enderle, Emily (Whitehouse) [mailto:Emily_Enderle@whitehouse.senate.gov]
Sent: Friday, May 29, 2015 6:03 PM
To: Kaiser, Sven-Erik
Cc: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Zipkin, Adam (Booker); Deveny, Adrian (Merkley)
Subject: TA Request: Proposed changes to S. 697 Section 11 amending Section 9 of TSCA

Hi Sven,

Thanks to your group for coming in yesterday. Attached, please find an electronic version of the latest responses to lingering EPA TA.

Based on our conversation about Section 9 of TSCA, we made some changes to Section 11 of S. 697. The current draft of that section is attached, with changes tracked and explanatory comments. We'd appreciate EPA's assessment of this new language.

Specific questions/issues:

1. Lines 9 and 14-15: The term "reasonable basis" appears twice in subsection (a)(1). The instance you flagged as problematic appears not to be the one that needs to be changed to mirror the revised section 6(c) structure.
2. There was tentative agreement to strike paragraph (3), but another proposal is attached that would retain it but more closely mirror paragraph (2) of current TSCA section 9(a). The concern in deleting this paragraph rather than modifying it is that the consequences of various actions or inactions by the "other agency" are not explicitly addressed and hence uncertain.
 - a. Does the restructuring of (3)(A) and (B) address the concern raised in the original TA on this paragraph?
 - b. What does EPA believe would happen under this section, both under current TSCA and as revised here, if the other agency fails to respond at all to EPA's report within the timeframe specified? Could EPA act? Would EPA be required to act?
 - c. Does the potential case described in b. above (no response from the other agency) need to be addressed in this language, e.g., by adding a subparagraph (C) such as this:
"(C) respond within the time within the time period specified by the Administrator in the report,"

- d. Would not the deletion of paragraph (3) altogether leave uncertain the disposition of a referral under section 9 and hence have implications for the process of EPA review and regulation of existing chemicals under S. 697?

Emily

--

Emily Enderle

Chief Environmental Policy Advisor

Office of Senator Sheldon Whitehouse

Direct: (202) 228-6294

emily.enderle@whitehouse.senate.gov

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/29/2015 3:11:30 PM
To: 'Schmit, Ryan' [Ryan.Schmit@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]
Subject: HEC TSCA Reform TA on House bill

Jacqueline and Ryan,
If helpful, are you available for a TA call on Mon, June 1? What about 1pm – we can get folks together any time before 4. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/28/2015 11:12:29 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
Subject: Re: House TSCA Versions

Ryan,
Thanks for helping sort it out. We see that what you sent is the same as the released bill. Sorry about the false alarm. Talk to you tomorrow at 10. Best,
Sven

On May 28, 2015, at 1:22 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

This is the press release and link to the "introduced" bill language:
<http://energycommerce.house.gov/press-release/bipartisan-leaders-formally-introduce-breakthrough-chemical-safety-bill>

This version is identical to what I sent Tuesday - no discrepancy on page 8.

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, May 28, 2015 1:15 PM
To: Schmit, Ryan
Subject: Re: House TSCA Versions

Ryan,
Compare the version you sent Tuesday (attached in my last email) with the introduced version, in particular the possible discrepancy spotted by Brian. For the introduced version we followed a link in a committee press release. Please let me know if questions thanks, Sven

On May 28, 2015, at 1:01 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Hi Sven,

My email from Tuesday afternoon contains the correct version that was circulated by the majority, signed off on, and supposed to be sent for introduction. The date stamp at the bottom says "May 26, 2015, 9:36am". The same version is also posted on the majority's website:
<http://energycommerce.house.gov/press-release/bipartisan-leaders-formally-introduce-breakthrough-chemical-safety-bill>

Can you let me know what version you are looking at and where you got it? I'd like to get any inconsistencies cleared up.

And thanks for preparing TA so quickly. If it is written, can you forward it to Jacqueline and I? And then maybe you could set up a call for Monday to discuss when Jacqueline is back in the office?

Thanks again,
Ryan

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, May 28, 2015 12:38 PM
To: Cohen, Jacqueline; Schmit, Ryan
Subject: House TSCA Versions

Jaqueline and Ryan,
The introduced version is different from the latest draft we received via email from Ryan on Tuesday, May 26, 2015 1:04 PM (attached). For example, text on lines 9-11 on p 8 of the May 26 draft does not appear in the introduced version. Perhaps text was added to the May 26 draft and didn't make it into the introduced bill. In any event, we are working off the introduced version and have TA to discuss with you. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

-----Original Message-----

From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]

Sent: Tuesday, May 26, 2015 1:04 PM
To: Kaiser, Sven-Erik; Cohen, Jacqueline
Subject: RE: HEC Inquiry on 5/22 House TSCA version

Hi Sven,
Attached is another version with some minor tweaks from over the weekend. The plan is to introduce today before pro forma ends, and full committee markup June 3rd. We'd appreciate technical assistance on the new language in advance of markup so we can try to incorporate any additional changes. Jackie is out this week and checking email periodically, but I'm happy to answer any questions.

Thanks in advance,
Ryan

Ryan N. Schmit
Committee on Energy and Commerce, Democratic Staff U.S. House of Representatives
ryan.schmit@mail.house.gov
(202) 226-0593

-----Original Message-----
From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, May 26, 2015 8:50 AM
To: Schmit, Ryan; Cohen, Jacqueline
Subject: HEC Inquiry on 5/22 House TSCA version

Ryan and Jacqueline,
Thanks for sending the latest version. Any update on plans for introduction? Are you requesting technical assistance on the changes? Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

-----Original Message-----
From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]
Sent: Friday, May 22, 2015 5:02 PM
To: Kaiser, Sven-Erik
Subject: Latest house TSCA version

Sven, wanted to get this to you ASAP in case you had additional feedback on changes. We're still reviewing here.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/28/2015 7:29:38 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
Subject: Re: House TSCA Versions

Ryan,
Okay for 10am. Please call [Ex. 6 - Personal Privacy] code [Ex. 6 - Personal Privacy] Thanks,
Sven

On May 28, 2015, at 3:19 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Yes, that would be great. 10 or 11 both work for me, whatever works best on your end.

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, May 28, 2015 2:56 PM
To: Schmit, Ryan
Subject: Re: House TSCA Versions

Ryan,
Are you in tomorrow (Friday). Maybe we could do a call around 10 or 11 to confirm the right version and to discuss potential areas of TA in anticipation of a more detailed Mon TA discussion. Thanks, Sven

On May 28, 2015, at 1:01 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Hi Sven,

My email from Tuesday afternoon contains the correct version that was circulated by the majority, signed off on, and supposed to be sent for introduction. The date stamp at the bottom says "May 26, 2015, 9:36am". The same version is also posted on the majority's website:
<http://energycommerce.house.gov/press-release/bipartisan-leaders-formally-introduce-breakthrough-chemical-safety-bill>

Can you let me know what version you are looking at and where you got it? I'd like to get any inconsistencies cleared up.

And thanks for preparing TA so quickly. If it is written, can you forward it to Jacqueline and I? And then maybe you could set up a call for Monday to discuss when Jacqueline is back in the office?

Thanks again,
Ryan

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, May 28, 2015 12:38 PM
To: Cohen, Jacqueline; Schmit, Ryan
Subject: House TSCA Versions

Jaqueline and Ryan,
The introduced version is different from the latest draft we received via email from Ryan on Tuesday, May 26, 2015 1:04 PM (attached). For example, text on lines 9-11 on p 8 of the May 26 draft does not appear in the introduced version. Perhaps text was added to the May 26 draft and didn't make it into the introduced bill. In any event, we are working off the introduced version and have TA to discuss with you. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

-----Original Message-----

From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]
Sent: Tuesday, May 26, 2015 1:04 PM
To: Kaiser, Sven-Erik; Cohen, Jacqueline
Subject: RE: HEC Inquiry on 5/22 House TSCA version

Hi Sven,

Attached is another version with some minor tweaks from over the weekend. The plan is to introduce today before pro forma ends, and full committee markup June 3rd. We'd appreciate technical assistance on the new language in advance of markup so we can try to incorporate any additional changes. Jackie is out this week and checking email periodically, but I'm happy to answer any questions.

Thanks in advance,
Ryan

Ryan N. Schmit
Committee on Energy and Commerce, Democratic Staff U.S. House of Representatives
ryan.schmit@mail.house.gov
(202) 226-0593

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From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, May 26, 2015 8:50 AM
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Ryan and Jacqueline,
Thanks for sending the latest version. Any update on plans for introduction? Are you requesting technical assistance on the changes? Thanks, Sven

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Sent: Friday, May 22, 2015 5:02 PM
To: Kaiser, Sven-Erik
Subject: Latest house TSCA version

Sven, wanted to get this to you ASAP in case you had additional feedback on changes. We're still reviewing here.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/28/2015 6:55:37 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
Subject: Re: House TSCA Versions

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Sent: 5/28/2015 5:51:27 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
CC: Cohen, Jacqueline [jackie.cohen@mail.house.gov]
Subject: Re: House TSCA Versions

Ryan,
Scheduling a TA meeting for Monday makes sense. I'll check on whether we'll have written TA in advance of the meeting. Thanks,
Sven

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Sent: 5/28/2015 5:15:05 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
Subject: Re: House TSCA Versions

Ryan,
Compare the version you sent Tuesday (attached in my last email) with the introduced version, in particular the possible discrepancy spotted by Brian. For the introduced version we followed a link in a committee press release. Please let me know if questions thanks,
Sven

On May 28, 2015, at 1:01 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

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Ryan

Ryan N. Schmit
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ryan.schmit@mail.house.gov
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Sent: 5/26/2015 9:43:28 PM
To: 'Enderle, Emily (Whitehouse)' [Emily_Enderle@whitehouse.senate.gov]; Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]; Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: RE: SEPW TSCA TA on New redline version

Emily – we can do Thurs, May 28 at 1pm. It seems to make sense to start with the redline comments on the bill. How does that sound to you? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Enderle, Emily (Whitehouse) [mailto:Emily_Enderle@whitehouse.senate.gov]
Sent: Tuesday, May 26, 2015 2:57 PM
To: Kaiser, Sven-Erik; Zipkin, Adam (Booker); Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley)
Subject: RE: SEPW TSCA TA on New redline version

Hi Sven,

Thursday at 1pm works for Adam and me. Please confirm that works for your team. We have our conference room in 530 Hart reserved until 6pm so hopefully we'll be able to plow through the remaining issues.

Thanks,
Emily

--
Emily Enderle
Chief Environmental Policy Advisor
Office of Senator Sheldon Whitehouse
Direct: (202) 228-6294
emily.enderle@whitehouse.senate.gov

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, May 22, 2015 5:40 PM
To: Zipkin, Adam (Booker); Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse)
Subject: RE: SEPW TSCA TA on New redline version

Adam,
Thanks for the heads up on Thurs – I'll pass it along. Wishing all a splendid weekend.
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [<mailto:Adam.Zipkin@booker.senate.gov>]

Sent: Friday, May 22, 2015 5:39 PM

To: Kaiser, Sven-Erik; Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse)

Subject: RE: SEPW TSCA TA on New redline version

Sven for our follow up meeting it looks like Thursday morning is out, but Thursday afternoon may work. Emily or I will confirm time/location once we make sure it works for everyone. Have a nice weekend, thanks for all the help. Adam

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

Sent: Thursday, May 21, 2015 5:23 PM

To: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker)

Subject: SEPW TSCA TA on New redline version

Jonathan and colleagues,

Attached please find EPA technical assistance responding to your request to look at S.697 as reported out of committee along with redline comments. This version complements the TA sent over earlier today on followup issues. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. We'll plan to see you tomorrow in Hart 531 to discuss the TA. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [<mailto:Jonathan.Black@tomudall.senate.gov>]

Sent: Friday, May 15, 2015 10:00 AM

To: Vaught, Laura; Kaiser, Sven-Erik; Jones, Jim

Cc: Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker); Black, Jonathan (Tom Udall)

Subject: EPA T.A. Follow-up

Team EPA:

Dimitri and I had sat down with you to review some technical assistance on drafting and clarity/intent back before the bill was introduced.

During that time of intense negotiation, we were unable to incorporate a number of EPA T.A. suggestions because it was too frantic.

We would like to try to address as many of them as possible, now, though.

Please find attached:

1. February EPA T.A. document that **you** provided to us (showing comments and some redlines)
2. S.697 as reported out of the EPW committee, plus **NEW REDLINES** that attempt to incorporate the EPA T.A. from February.

Request:

Can you review the #2 document (S.697 as reported)?

- Please comment on the proposed fixes
 - Do they address EPA T.A. suggestions?
 - If not, can you explain why not?

None of these technical corrections have been agreed to by the cc'd parties. We will want to sit down with you and review them before doing so. We will then probably need to vet them through stakeholders.

Timing:

Please let me know how long you think it might take.

Best case scenario would be to meet and discuss Friday, May 22nd.

If that's too quick a turn-around, I will be out of town over the recess, but others may be available to meet the week of May 25th.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/26/2015 8:23:19 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]; Jacqueline Cohen [jackie.cohen@mail.house.gov]
Subject: Re: HEC Inquiry on 5/22 House TSCA version

Ryan and Jacqueline,
In order to focus time and effort, we would like to talk with you prior to developing TA on the latest draft. Is there any time in the next few days when you both will be available for a call? Thanks, Sven

On May 26, 2015, at 1:43 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Page 7, Line 13, strike "finding" and insert "determination"

Page 8, Lines 8-11 - strike "such publication date" and "the date on which the risk evaluation regarding such chemical substance is published under subparagraph (A)"

Page 10, Lines 3-4, strike "paragraph 3(A)(i)" and insert "paragraphs (3)(A)(i) or (3)(B)"

Page 16, line 14 , insert "Notwithstanding subsection (b)(2)" before "subject"

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, May 26, 2015 1:19 PM
To: Schmit, Ryan
Cc: Cohen, Jacqueline
Subject: Re: HEC Inquiry on 5/22 House TSCA version

Ryan,
Can you tell me what tweaks were made from Friday. Thanks, Sven

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<2015_06_xml.pdf>

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To: 'Enderle, Emily (Whitehouse)' [Emily_Enderle@whitehouse.senate.gov]; Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]; Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
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Emily,
Checking on Thursday at 1 pm– will confirm shortly. Thanks,
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To: Kaiser, Sven-Erik; Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse)

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Sent: Friday, May 15, 2015 10:00 AM

To: Vaught, Laura; Kaiser, Sven-Erik; Jones, Jim

Cc: Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker); Black, Jonathan (Tom Udall)

Subject: EPA T.A. Follow-up

Team EPA:

Dimitri and I had sat down with you to review some technical assistance on drafting and clarity/intent back before the bill was introduced.

During that time of intense negotiation, we were unable to incorporate a number of EPA T.A. suggestions because it was too frantic.

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2. S.697 as reported out of the EPW committee, plus **NEW REDLINES** that attempt to incorporate the EPA T.A. from February.

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Best case scenario would be to meet and discuss Friday, May 22nd.

If that's too quick a turn-around, I will be out of town over the recess, but others may be available to meet the week of May 25th.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/26/2015 5:45:42 PM
To: Schmit, Ryan [Ryan.Schmit@mail.house.gov]
CC: Cohen, Jacqueline [jackie.cohen@mail.house.gov]
Subject: Re: HEC Inquiry on 5/22 House TSCA version

Thank you, will save folks a lot of time.

On May 26, 2015, at 1:43 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Page 7, Line 13, strike "finding" and insert "determination"

Page 8, Lines 8-11 - strike "such publication date" and "the date on which the risk evaluation regarding such chemical substance is published under subparagraph (A)"

Page 10, Lines 3-4, strike "paragraph 3(A)(i)" and insert "paragraphs (3)(A)(i) or (3)(B)"

Page 16, line 14 , insert "Notwithstanding subsection (b)(2)" before "subject"

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, May 26, 2015 1:19 PM
To: Schmit, Ryan
Cc: Cohen, Jacqueline
Subject: Re: HEC Inquiry on 5/22 House TSCA version

Ryan,
Can you tell me what tweaks were made from Friday. Thanks, Sven

On May 26, 2015, at 1:03 PM, "Schmit, Ryan" <Ryan.Schmit@mail.house.gov> wrote:

Hi Sven,
Attached is another version with some minor tweaks from over the weekend. The plan is to introduce today before pro forma ends, and full committee markup June 3rd. We'd appreciate technical assistance on the new language in advance of markup so we can try to incorporate any additional changes. Jackie is out this week and checking email periodically, but I'm happy to answer any questions.

Thanks in advance,
Ryan

Ryan N. Schmit
Committee on Energy and Commerce, Democratic Staff U.S. House of Representatives
ryan.schmit@mail.house.gov
(202) 226-0593

-----Original Message-----

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, May 26, 2015 8:50 AM
To: Schmit, Ryan; Cohen, Jacqueline
Subject: HEC Inquiry on 5/22 House TSCA version

Ryan and Jacqueline,
Thanks for sending the latest version. Any update on plans for introduction? Are you requesting technical assistance on the changes? Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

-----Original Message-----

From: Schmit, Ryan [mailto:Ryan.Schmit@mail.house.gov]
Sent: Friday, May 22, 2015 5:02 PM
To: Kaiser, Sven-Erik
Subject: Latest house TSCA version

Sven, wanted to get this to you ASAP in case you had additional feedback on changes. We're still reviewing here.
<2015_06_xml.pdf>

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/26/2015 5:19:07 PM
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Sent: 5/26/2015 12:50:05 PM
To: 'Schmit, Ryan' [Ryan.Schmit@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]
Subject: HEC Inquiry on 5/22 House TSCA version

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U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
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Sent: 5/22/2015 9:40:25 PM
To: 'Zipkin, Adam (Booker)' [Adam_Zipkin@booker.senate.gov]; Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]; Enderle, Emily (Whitehouse) [Emily_Enderle@whitehouse.senate.gov]
Subject: RE: SEPW TSCA TA on New redline version

Adam,
Thanks for the heads up on Thurs – I'll pass it along. Wishing all a splendid weekend.
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Zipkin, Adam (Booker) [mailto:Adam_Zipkin@booker.senate.gov]
Sent: Friday, May 22, 2015 5:39 PM
To: Kaiser, Sven-Erik; Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse)
Subject: RE: SEPW TSCA TA on New redline version

Sven for our follow up meeting it looks like Thursday morning is out, but Thursday afternoon may work. Emily or I will confirm time/location once we make sure it works for everyone. Have a nice weekend, thanks for all the help. Adam

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Thursday, May 21, 2015 5:23 PM
To: Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker)
Subject: SEPW TSCA TA on New redline version

Jonathan and colleagues,
Attached please find EPA technical assistance responding to your request to look at S.697 as reported out of committee along with redline comments. This version complements the TA sent over earlier today on followup issues. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. We'll plan to see you tomorrow in Hart 531 to discuss the TA. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Friday, May 15, 2015 10:00 AM

To: Vaught, Laura; Kaiser, Sven-Erik; Jones, Jim

Cc: Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker); Black, Jonathan (Tom Udall)

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Sent: 10/6/2015 4:54:39 PM
To: Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: TSCA Reform TA on Two Questions

How about 4:30?

On Oct 6, 2015, at 12:49 PM, "Karakitsos, Dimitri (EPW)" <Dimitri_Karakitsos@epw.senate.gov> wrote:

Well unfortunately things have come up. Are you all free anytime this afternoon from 4pm on?

From: Karakitsos, Dimitri (EPW)
Sent: Tuesday, October 6, 2015 9:23 AM
To: 'Kaiser, Sven-Erik'
Cc: Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey)
Subject: RE: TSCA Reform TA on Two Questions

Thanks Sven – crazy day so I will keep you posted in case anything comes up.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, October 06, 2015 9:09 AM
To: Karakitsos, Dimitri (EPW)
Cc: Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey)
Subject: RE: TSCA Reform TA on Two Questions

Dimitri – 1pm today would be best for us. Please call 866-299-3188, code 202-566-2753. Just let me know if need to shift the time. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Karakitsos, Dimitri (EPW) [mailto:Dimitri_Karakitsos@epw.senate.gov]
Sent: Monday, October 05, 2015 7:55 PM
To: Kaiser, Sven-Erik
Cc: Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey)
Subject: RE: TSCA Reform TA on Two Questions

Thanks Sven – if we could get that TA tomorrow that would be great. Also I should have some time for a call tomorrow afternoon either around 1 or later around 4.

Let me know what works best and thanks again.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Monday, October 05, 2015 2:42 PM